

Chapter 4

AMBULANCES*

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Ambulance.* A motor vehicle used, designed or redesigned, and equipped for the primary purpose of the transportation of sick or injured persons.
- (2) *Ambulance service.* A trip made by an ambulance to transport a sick or injured person from place to place under other than emergency circumstances.
- (3) *Ambulance operator.* The person holding a city ambulance permit.
- (4) *Department.* The department of health.
- (5) *Direct call.* A request for ambulance service made by telephone or other means directly to an ambulance operator, his agents or employees.
- (6) *Driver's permit.* A city emergency ambulance driver's permit.
- (7) *Emergency ambulance.* Any motor vehicle used, designed or redesigned, and equipped for the primary purpose of transporting sick or injured persons under emergency circumstances, and the rendering of first aid or the performance of rescue work, or both, under such circumstances.
- (8) *Emergency circumstances.* The existence of circumstances in which the element of time in expeditiously transporting a sick or injured person for medical or surgical treatment is essential to the health or life of such person, and in which rescue operations or competent first aid or both at the place of emergency may be essential to the health or life of such person.

- (9) *Emergency ambulance service.* A trip made by an emergency ambulance under emergency circumstances to the place of emergency, performance of any necessary rescue operations, rendering of any necessary first aid assistance and the trip to the hospital or other place for medical attention. An ambulance is being operated in emergency ambulance service if all or any part of the above described trip to the place of emergency and any subsequent trip to the hospital is made on the streets within the corporate limits of the city. An emergency ambulance shall be considered to be rendering emergency ambulance service when it is responding to a call for emergency assistance even though, upon arrival at the place of emergency, it is found that the call was falsely made or that no further emergency ambulance assistance is required or when it is responding to a call for routine ambulance service and during such trip emergency circumstances develop.

(Code 1968, § 5-1; Ord. No. 70-1518, § 1, 9-16-70)

Sec. 4-2. Ambulance advisory committee.

An ambulance advisory committee is hereby created, to consist of the director of the health department, or in his absence a representative appointed by the director; the chief of the fire department, or in his absence a representative appointed by him; and a third member to be selected by the Harris County Medical Society, or in his absence, an alternate member selected by such society. It shall be the duty of such committee to recommend to the city council, specifications for construction, equipment and numbers of emergency ambulances to be purchased by the city (which specifications shall include the essential equipment referred to in section 4-6 below). The committee shall meet at least two (2) times per year. The committee shall submit to the city

*Cross references—Health generally, Ch. 21; traffic, Ch. 45.

council from time to time, its recommendations as to new specifications for emergency ambulances and its recommendations as to revisions of this chapter.

(Code 1968, § 5-2; Ord. No. 70-1518, § 19, 9-16-70)

Cross reference—Boards, commissions, authorities, etc., generally, § 2-316 et seq.

Sec. 4-3. City emergency ambulance driver's permit.

(a) It shall be unlawful for any person other than a member of the fire department assigned to drive a fire department ambulance to operate or drive an emergency ambulance upon the public streets of the city unless the driver thereof shall first have obtained a city emergency ambulance driver's permit.

(b) An application for such permit shall be submitted to the health officer upon a form or forms to be provided by him. Such application must be signed and sworn to before a notary public. The applicant shall have the following qualifications:

- (1) The applicant must be eighteen (18) years of age or older.
- (2) The applicant must be the holder of a Texas chauffeur's license.

(c) The health officer shall investigate the application and determine whether the applicant meets the qualifications required for the issuance of an emergency ambulance driver's permit. If the applicant is so qualified, the health officer shall issue such a permit, and if the applicant is not qualified, the health officer shall notify the applicant by writing to him at the applicant's address as given in the application.

(d) A permit issued under this section shall be valid for two (2) years from the date of issuance.

(e) The fee for a permit required by this section shall be twenty dollars (\$20.00), payable at the time the application for said permit is submitted to the health officer.

(Code 1968, § 5-3; Ord. No. 70-1518, § 2, 9-16-70; Ord. No. 71-698, § 1, 4-7-71; Ord. No. 71-736, § 1, 4-14-71; Ord. No. 78-2404, § 1, 12-5-78; Ord. No. 82-1109, § 1, 7-13-82)

Sec. 4-4. Personnel required during operation of emergency ambulances; emergency ambulance technician certificate of proficiency.

(a) It shall be unlawful to operate or drive or cause to be operated or driven an emergency ambulance on a public street of the city when furnishing emergency ambulance service, including emergency ambulances operated by the fire department, unless there is aboard such emergency ambulance on each trip at least two (2) persons, one of whom is the holder of a valid certificate of proficiency as a qualified emergency ambulance technician issued by the health officer. The holder of such certificate must be the person attending the patient while such patient is being transported.

(b) Application for a certificate of proficiency as an emergency ambulance technician shall be made to the health officer on forms to be furnished by him, and shall be signed and sworn to before a notary public.

(c) Qualifications for a certificate of proficiency shall be as follows:

- (1) The applicant must be eighteen (18) years of age or older.
- (2) The health officer shall establish standards of proficiency and training necessary for attainment in order for such person to qualify for a certificate of proficiency as a qualified emergency ambulance technician. Such standards shall be filed with the city secretary and may be changed from time to time by filing such changes with the city secretary. The health officer shall cause regularly scheduled training courses and examinations to be conducted of all applicants for such certificate of proficiency. Such examinations may be oral or written or practical or a combination of such types of examinations, as the health officer determines will best demonstrate proficiency. The health officer shall limit the life of any certificate to not more than one year and shall provide for renewal of such certificate by the applicant's attending refresher courses and taking such renewal examinations as the health officer may prescribe.

(d) The health officer shall investigate the application and the grades attained on such examination and determine whether the applicant meets the qualifications required for the certificate of proficiency. If the applicant is so qualified, the health officer shall issue such certificate and if the applicant is not qualified, the health officer shall notify the applicant by writing to him at the applicant's address as given in the application. (Code 1968, § 5-4; Ord. No. 70-1518, § 3, 9-16-70; Ord. No. 78-2404, § 2, 12-5-78)

Sec. 4-5. Structural and licensing requirements.

No emergency ambulance shall be operated on the public streets of the city unless it is free of structural defects and unless it has no serious impairment of any safety feature resulting from an accident or otherwise. No emergency ambulance shall be operated upon the streets of the city for the purpose of furnishing emergency ambulance service unless and until such ambulance has been duly licensed in accordance with Article 4590b, V.T.C.S.

(Code 1968, § 5-5; Ord. No. 70-1518, § 4, 9-16-70)

Sec. 4-6. Required equipment.

No emergency ambulance or transfer ambulance shall be operated upon the streets of the city for the purpose of furnishing ambulance service unless such ambulance is equipped with the "Essential Equipment for Ambulances," as set out in the bulletin of the American College of Surgeons, May issue, 1970, pages 7 through 13, a copy of which shall be filed in the office of the city secretary by the health officer.

(Code 1968, § 5-6; Ord. No. 70-1518, § 5, 9-16-70)

Sec. 4-7. Vehicle inspections.

The health officer shall cause all emergency ambulances, including those operated by the fire department, to be inspected before being placed in service and shall thereafter inspect such ambulances not less than once each six (6) months, and at least six (6) times per year on a spot inspection basis. In the event an emergency ambulance fails to pass inspection, the health officer shall notify the emergency ambulance operator or the chief of the fire department to correct the

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defects noted in the inspection and, after such notification, the health officer shall cause such ambulance to be reinspected within forty-eight (48) hours for compliance. If, upon such reinspection, the defects noted in the original inspection have not been corrected, the vehicle decals shall be removed from the ambulance by the health officer and shall only be replaced upon such ambulance after the defects have been corrected. Inspections provided for herein may also be made by any police officer of the city and by any authorized employee of the department of public service of the city.

(Code 1968, § 5-7; Ord. No. 70-1518, § 6, 9-16-70; Ord. No. 79-1817, § 1, 10-23-79)

Sec. 4-8. Decals and display of name.

(a) When an ambulance operator's permit is issued or renewed under this article, the holder of the operator's permit shall present each ambulance that he proposes to operate thereunder to the health officer for inspection pursuant to the standards adopted in section 4-5, and if the operator proposes to use the ambulance in either or both of the instances described in section 4-9(b)(3) or (4), then for additional inspection for compliance with section 4-6. Upon the successful completion of such inspection, the health officer will furnish the permittee two (2) decals for each ambulance which has been inspected and is authorized to be used in service. One such decal shall be affixed to the front windshield at the lower right (passenger side) corner; the other such decal shall be affixed to the rear bumper or to a similar location in a manner as to be readily visible from a following vehicle. The color of such decals shall be changed annually. Additionally, all emergency ambulances shall have the name of the ambulance service prominently displayed on both exterior sides.

(b) It shall be unlawful to operate an ambulance on the streets of the city without having such decals affixed and, in the case of an emergency ambulance, without having the name of the ambulance service displayed as required by this section.

(Code 1968, § 5-8; Ord. No. 70-1518, § 7, 9-16-70; Ord. No. 71-698, § 2, 4-7-71; Ord. No. 71-736, § 2, 4-14-71; Ord. No. 79-1817, § 2, 10-23-79)

Sec. 4-9. Persons authorized to engage in emergency ambulance service.

(a) The operation of emergency ambulances on the streets of the city for the furnishing of emergency ambulance service is hereby declared to be a governmental function of the city to be performed by the fire department in accordance with the terms of this chapter. It shall be unlawful for any person or persons, other than members of such fire department in its classified civil service, while driving emergency ambulances operated by the fire department, to furnish or to attempt to furnish emergency ambulance service or to operate or drive or cause to be operated or driven any ambulance on the streets of the city for the purpose of furnishing emergency ambulance service.

(b) It is an affirmative defense to prosecution under subsection (a) that:

- (1) The person operating an ambulance upon responding to a direct call for ambulance service determined that an emergency existed requiring the sick or injured person to be transported with all practical speed for medical treatment and attention and obtained permission to operate such ambulance in emergency ambulance service; from the fire department dispatcher;
- (2) That the emergency ambulance service was provided by an ambulance based outside the city when not in use and operated by an ambulance company having an established place of business and permanent address outside the city, provided;
 - a. The sick or injured person was picked up outside the corporate limits of the city and transported to a hospital within the city; and
 - b. The ambulance performing such emergency ambulance service was, at the time, duly licensed and operated in accordance with Article 4590b, V.T.C.S.; and
 - c. The driver of such ambulance complied with all speed and other traffic regulations of the city and the state.
- (3) That the person operating an ambulance within the city was performing a service under con-

tract of maintaining an ambulance at a particular location, or event, for the purpose of transporting sick or injured persons for medical or hospital treatment, and determined that a sick or injured person at such location or event required immediate hospital or medical attention and obtained permission to operate such ambulance in emergency service from the fire department dispatcher.

- (4) That the emergency ambulance service was provided at the request of the fire department dispatcher due to unavailability of a city ambulance.

In each instance set out in (1) through (4) above, the driver or operator of such ambulance shall prior to commencement of each emergency ambulance run, notify the fire department dispatcher of the conditions requiring the operation of his vehicle in emergency ambulance service, the location from which he is proceeding, and the location to which he is proceeding under emergency ambulance service and obtain permission for such trip from the dispatcher. Each ambulance being operated under paragraphs (1) and (2) above shall comply with the requirements of this chapter regarding emergency ambulances insofar as traffic safety is concerned. Each ambulance being operated under the provisions of paragraphs (3) and (4) above shall comply with all requirements of this chapter regarding emergency ambulances of every nature. Upon arriving at his destination, the ambulance driver or ambulance operator will again notify the fire department dispatcher that he has arrived and is no longer in emergency ambulance service. When the driver or operator of an ambulance is responding to a direct call for ambulance service, either under emergency conditions or otherwise, he shall inform the fire department ambulance dispatcher of the location of such call and such information as he may have concerning the circumstances surrounding the request for service, and if the fire department ambulance dispatcher reports that a fire department ambulance is either on route to the same location or has arrived there and instructs such ambulance driver or operator not to respond to such call, it shall be unlawful for such driver or operator to so respond when instructed not to do so by

the fire department ambulance dispatcher.
(Code 1968, § 5-9; Ord. No. 70-1518, § 8, 9-16-70;
Ord. No. 71-698, § 3, 4-7-71; Ord. No. 71-736, § 3,
4-14-71)

Sec. 4-10. General authorization.

Nothing herein shall prohibit any person owning an ambulance duly licensed and operated in accordance with article 4590b, V.T.C.S., from operating such ambulance on the public streets for the purpose of furnishing ambulance service only; provided, however, such person shall secure an operator's permit in compliance with the provisions of sections 4-15 and 4-16 hereof and shall cause his ambulance to have been inspected and be in display of a medallion issued in compliance with section 4-8 hereof. The driver of any such ambulance shall comply with all of the traffic laws of the state and ordinances of the city, including this chapter, in furnishing such ambulance service. The operator thereof shall not permit such ambulance to be used for emergency ambulance service unless all requirements of this chapter regarding emergency ambulance service have been complied with.

(Code 1968, § 5-10; Ord. No. 70-1518, § 9, 9-16-70;
Ord. No. 71-736, § 4, 4-14-71)

Cross reference—Traffic, Ch. 45.

Sec. 4-11. Use of signs or flashing emergency lights.

The use of signs or flashing emergency lights on an ambulance upon the public streets of the city shall be unlawful except when furnishing emergency ambulance service in accordance with the terms of this chapter.

(Code 1968, § 5-11; Ord. No. 70-1518, § 10, 9-16-70)

Sec. 4-12. Rendering of first aid; refusal to transport sick or injured persons; solicitation of business prohibited.

(a) It shall be unlawful for the driver or the attendant of any emergency ambulance to fail to render first aid and assistance to the sick or injured at the place of emergency.

(b) It shall be unlawful for any emergency ambulance operator, the holder of a city emergency ambulance driver's permit, or the holder of a certificate of proficiency as a qualified emergency ambulance technician to refuse to carry or transport any sick, injured or deceased person from the place of an emergency or the place of a direct call to which he has responded, and the circumstances that such person is or appears to be, indigent and unable to pay the cost of such service, shall not serve as an excuse from this requirement.

(c) It shall be unlawful for any person, while operating or accompanying an emergency ambulance on the public streets or easements of the city, to solicit the business of transporting the sick or injured.

(Code 1968, § 5-13; Ord. No. 70-1518, § 12, 9-16-70)

Sec. 4-13. Charges.

(a) In order to partially defray the costs incurred by the city in providing emergency medical services and ambulance services, the following fees are hereby established to be collected for the provision of emergency ambulance service by the city:

- (1) A base fee of \$450.00, plus the variable fees established in subsection (c), below, payable by the hospital from which the transportation originates, for the transportation of a person by fire department ambulance from one hospital to another hospital; and
- (2) A base fee of \$415.00, plus the variable fees established in subsection (c), below, payable by or on behalf of the person served, for the transportation of a person by fire department ambulance other than from one hospital to another hospital.

(b) The fee specified above for transportation of a person from one hospital to another hospital shall apply in each instance where a person is transported from one hospital to another hospital, except in those instances in which a person is picked up at a place other than a hospital and during the course of his transportation to the intended destination hospital the ambulance makes

an intermediate stop at another hospital for emergency stabilization or other treatment en route. The fee specified above for the transportation of a person from one hospital to another hospital shall in each instance be payable by the hospital from which the transportation of the person originates, and the transportation of the person shall not commence until and unless:

- (1) The physician in charge of the care of the person furnishes a written statement that the person's condition is suitable for safe transportation by ground ambulance to the intended destination hospital; and
- (2) The hospital furnishes a physician or other trained and qualified medical staff member who shall ride in the ambulance and assume the responsibility for the care of the person being transported en route; and
- (3) The administrator of the hospital or another responsible person signs a statement promising on behalf of the hospital to pay for the transportation of the person and furnishes the necessary billing information.

(c) In addition to the base fees imposed under items (1) and (2) of subsection (a), above, the following variable fees shall be imposed, as applicable:

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| (1) For use of oxygen (any quantity) | \$65.00 |
| (2) For use of an oxygen mask or a nasal canula, or both | 15.00 |
| (3) For use of EKG (tracing only) | 50.00 |
| (4) For EKG pad(s) (any quantity) | 16.89 |
| (5) For IV prep kit(s) (any quantity) | 10.00 |
| (6) For IV administration set(s) (any quantity) | 25.00 |
| (7) For cervical collar | 25.00 |
| (8) For head immobilization ... | 25.00 |
| (9) For D5W (any quantity) | 11.00 |
| (10) For Adenosine (Adenocard) | |

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| per 6 mg | 33.25 |
| (11) For Albuterol Sulfate (Proventil) for 0.5% sol. per ml | 0.70 |
| (12) For Atropine per 0.3 mg. | 0.49 |
| (13) For Dextrose 50% | 11.39 |
| (14) For Diazepam (Valium) | 1.06 |
| (15) For Dopamine (Intropin) per 250 mg | 9.26 |
| (16) For Epinephrine 1:1,000. | 1.09 |
| (17) For Epinephrine 1:10,000 .. | 1.09 |
| (18) For Furosemide (Lasix) | 1.12 |
| (19) For Lidocaine Drip per 50 cc | 2.76 |
| (20) For Lidocaine HCL—2% per 50 cc | 2.76 |
| (21) For Naloxone HCO (Narcan) | 3.73 |
| (22) For Cordarone IV per 300 mg | 150.00 |
| (23) For miscellaneous medical supplies (any amount, type or quantity) | 25.00 |
| (24) For mileage (from pickup point to hospital), per mile or any portion of a mile | 7.50 |

In lieu of actual computed miles, the fire chief may authorize use of a zone system or other procedure, provided that the mileage charged does not exceed the actual mileage.

(d) For persons transported under circumstances where two or more ill or injured persons are simultaneously transported in the same ambulance, the \$450.00 or \$415.00 base transportation fee specified in subsection (a)(1) or (a)(2), above, as applicable, and the \$7.50 per mile mileage fee specified in subsection (c)(24), above, shall be prorated on the basis of the number of persons served.

(e) The fire department shall submit to the tax assessor-collector a record of each instance in which emergency ambulance transportation service is provided. The tax assessor-collector shall be responsible for the billing and collection of the

applicable fees. Except for the conditions expressly provided above in the instance of the transportation of a patient from one hospital to another hospital, no provision in this section shall be construed to authorize the fire department, under any circumstances, to refuse emergency ambulance assistance to any person upon the grounds that the person is indigent or unable to pay for the service.

(Code 1968, § 5-15; Ord. No. 70-1518, § 14, 9-16-70; Ord. No. 76-2031, § 1, 11-23-76; Ord. No. 83-1318, § 1, 8-23-83; Ord. No. 86-1616, § 1, 9-10-86; Ord. No. 91-1178, § 1, 8-14-91; Ord. No. 93-918, § 1, 7-28-93; Ord. No. 96-665, § 7, 6-26-96; Ord. No. 97-1003, § 1, 8-20-97; Ord. No. 01-564, § 11, 6-20-01; Ord. No. 02-528, § 14a., 6-19-02)

Sec. 4-14. Uncollectible transport account.

There is hereby created a list of ambulance accounts to be entitled "uncollectible transports." The tax assessor-collector of the city shall have the power to place ambulance bills on the uncollectible transports list if he determines such ambulance bills to be uncollectible.

An "uncollectible transport" shall be defined as any of the following:

- (1) Emergency ambulance service provided a patient whose name and/or address is unknown, or upon whom there is otherwise insufficient information to locate the patient, or a patient using a false name and/or, address, or a patient who is a minor and whose parents or next of kin are unknown, or there is otherwise insufficient information to locate the parents or next of kin.
- (2) Emergency ambulance service provided a patient who is in the custody of, or placed under arrest by, a police officer of the city.
- (3) Emergency ambulance service provided at least six months previously and upon which a diligent collection effort has been made.

(Code 1968, § 5-15.1; Ord. No. 74-1778, § 1, 10-8-74)

Sec. 4-15. Ambulance service operator's permit, insurance required.

Any person operating an ambulance service upon the streets of the city must secure a permit therefor from the health officer. Such applicant shall provide evidence to the health officer that he has in full force for such calendar year a public liability insurance policy on each ambulance, such insurance policy to be issued by an insurance company which is authorized by law to do business in the state. Such policy shall provide liability insurance in the amount of not less than \$50,000.00 for any one accident and not less than \$25,000.00 for injury to any one person. Such insurance policy shall not contain a passenger liability exclusion. Each policy shall contain a provision obligating the insurer to give to the health officer written notice of cancellation not less than ten days prior to the date of any cancellation.

(Code 1968, § 5-16; Ord. No. 70-1518, § 15, 9-16-70; Ord. No. 76-235, § 1, 2-11-76)

Sec. 4-16. Fees for operator's permit, decals; term of decals.

The fee for the ambulance operator's permit required pursuant to section 4-15 shall be \$200.00,

and all permits issued under this chapter shall be valid for one year from the date of issuance. Such permits may be renewed after the termination date of the initial permit and during that same year by paying a permit fee of \$10.00. The charge for decals required pursuant to section 4-8 hereinabove shall be \$20.00 per pair of decals for each pair issued, renewed or replaced. Decals expire concurrently with ambulance operator's permit under which they are issued. Such fees and charges shall be collected by the department of health and transferred to the tax department, together with an accounting of the permits and pairs of decals for which same were collected.

(Code 1968, § 5-17; Ord. No. 70-1518, § 16, 9-16-70; Ord. No. 71-698, § 4, 4-7-71; Ord. No. 71-736, § 5, 4-14-71; Ord. No. 76-235, § 2, 2-11-76; Ord. No. 79-1817, § 3, 10-23-79; Ord. No. 82-1107, § 2, 7-13-82)

Sec. 4-17. Penalty for violations.

Any person violating any of the provisions of this chapter, upon conviction, shall be punished as provided by section 1-6 of this Code. In addition, the city attorney is hereby authorized to file suit in any court of competent jurisdiction to enjoin any person from violating or causing to be violated any of the provisions of this chapter.

(Code 1968, § 5-18; Ord. No. 70-1518, § 18, 9-16-70; Ord. No. 92-1449, § 3, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 4-18. Revocation or suspension of permits, licenses and certificates.

Any permit, license or certificate issued pursuant to this chapter shall be subject to suspension or revocation upon the finding pursuant to a public hearing conducted by the health officer that the holder of such permit, license or certificate has failed to comply with the applicable provisions of this chapter or that the holder no longer meets the requirements which pertain to the issuance thereof, provided that the holder of such permit, license or certificate shall be given prior notice of the date, time and place of the hearing setting forth the grounds upon which the

suspension or revocation is based and shall be afforded an opportunity to appear in person or through counsel to present evidence and to cross examine all witnesses appearing at such hearing.